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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,803	01/02/2004	John Memmelaar SR.	ROYALM 3.0-006	1818
530	7590	03/01/2006	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			RACHUBA, MAURINA T	
			ART UNIT	PAPER NUMBER
			3723	

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

*Supplemental*  
**Office Action Summary**

<b>Application No.</b>	<b>Applicant(s)</b>	
10/750,803	MEMMELAAR ET AL.	
<b>Examiner</b>	<b>Art Unit</b>	
M Rachuba	3723	

~ The MAILING DATE of this communication appears on the cover sheet with the correspondence address ~  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 12 October 2005.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-120 is/are pending in the application.
- 4a) Of the above claim(s) 89-93, 119 and 120 is/are withdrawn from consideration.
- 5) Claim(s) 21-88 and 105-118 is/are allowed.
- 6) Claim(s) 1,12-15,94 and 102 is/are rejected.
- 7) Claim(s) 2-11,16-20,94-101,103 and 104 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 January 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/19/04, 6/13/05.

- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date 1/26/06
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

***Note the change in paragraph 15.***

### ***Election/Restrictions***

1. Applicant's election without traverse of group I and species 4 and 10 in the reply filed on 12 October 2005 is acknowledged. As there are allowable generic claims, the species have been rejoined, and claims 1-88 and 94-118 have been examined on the merits.

### ***Specification***

2. The disclosure is objected to because of the following informalities.

Appropriate correction is required.

3. The use of the trademark Teflon™ has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 14 contains the trademark/trade name Teflon™. Where a trademark or trade name is used in a claim as a limitation to identify or

describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe Teflon™ and, accordingly, the identification/description is indefinite.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 1, as broadly claimed, is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Talalay et al, 4,271,639. Please refer especially to figure 5 and its description.

8. Claims 94 and 102 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Mills, 3,479,773. Please refer to figures 3 and 5 and their descriptions.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Talalay '639 in view of Joseph, 3,065,582. '639 does not disclose the material of the support. '582, column 3, lines 27 through column 4, lines 6, teaches that supports for centerless grinders are conventionally made of carbide material, or plastic, and that their use is dependent on the desired flexibility of the support. It would have been obvious to one of ordinary skill to have made the support of '639 with the conventional support material of carbide or plastic, as taught by '582, dependent on the desired flexibility of the support.

12. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Talalay '639 in view of Maxey, 4,086,065. '369 does not disclose the support made of hardened steel, tool steel, polycrystalline diamond, a ceramic, Teflon<sup>TM</sup>, and nylon. '065 discloses that the support is made of tool steel. It would have been obvious to one

of ordinary skill to make the support of '639 of tool steel as taught by '065, column 4, lines 2-3. It would have been obvious to one of ordinary skill to have made the support of an old and well known material, such as tool steel, as taught by '065, as a readily available and inexpensive material to make replaceable parts.

13. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Talalay et al, 4,271,639 in view of Yano US006123605A. '639 is silent as to how the support is moved. '605, column 7, lines 33-59, discloses a feed screw and a servomotor for moving the platform toward and away from the working surface. It would have been obvious to one of ordinary skill to have provided '639 with the feed screw and servomotor taught by '605, to allow accurate adjustment of the workpiece support relative to the grinding tool.

#### ***Allowable Subject Matter***

14. Claims 2-11, 16-20, 95-101, and 103 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

15. Claims 21-88 and 105-118 are allowed.

#### ***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Other similar centerless grinders are cited of interest.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M Rachuba whose telephone number is 571-272-4493. The examiner can normally be reached on Monday-Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M Rachuba  
Primary Examiner  
Art Unit 3723

A handwritten signature in black ink, appearing to read "M Rachuba", is positioned to the right of the typed name. The signature is fluid and cursive, with the initials "M" and "Rachuba" clearly legible.